

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

<b>EDNA MALDONADO,</b>	§	
<b>INDIVIDUALLY AND AS NEXT</b>	§	
<b>FRIEND OF J.G.AND K.C., MINORS</b>	§	
	§	<b>Civil Action No. 6:17-cv-00204-ADA</b>
<b>v.</b>	§	<b>JURY</b>
	§	
<b>BARBARA TURPIN and</b>	§	
<b>WERNER ENTERPRISES, INC.</b>	§	

**AGREED MOTION TO APPROVE SETTLEMENT AND  
FOR LEAVE TO DEPOSIT FUNDS**

**TO THE HONORABLE JUDGE OF SAID COURT:**

COMES NOW, **EDNA MALDONADO, INDIVIDUALLY AND AS NEXT FRIEND OF J.G. AND K.C., MINORS** (“Plaintiffs”) and **BARBARA TURPIN and WERNER ENTERPRISES, INC.**, (“Defendants”), by and through their counsel of record, files this Agreed Motion To Approve Settlement and For Leave to Deposit Funds, and in support would respectfully show the Court as follows:

**I.**

The parties to this matter have entered into a settlement agreement and under such settlement agreement all claims and causes of action asserted on behalf of Plaintiffs have been compromised and settled<sup>1</sup>.

---

<sup>1</sup> See Attached Affidavit of Edna Maldonado, Exhibit “A”.

## II.

As this matter involves minors, parties respectfully request that this Court approve the settlement agreement<sup>2</sup>; receive and deposit settlement funds into the Court's registry; a check in the exact amount of \$3,333.33 on behalf of J.G., minor, and a check in the exact amount of \$3,333.33 on behalf of K.C., minor, which represents the settlements for a motor vehicle incident that occurred on July 8, 2015.

## III.

Parties respectfully request that the Clerk, United States District Court, as soon as the business office allows, deposit these monies into the Court Registry Investment System (CRIS) on behalf of the Minor Plaintiffs, J.G., born on March 23, 2009, and K.C., born on October 26, 2006. These monies shall remain invested until the Minor Plaintiffs, J.G. and K.C., reach the age of majority, at which time said accounts, plus interest, less any applicable fees, will be delivered to the minor children, upon proof of identity, unless the Court orders otherwise.

WHEREFORE, PREMISES CONSIDERED, parties requests this Court enter an Order to Receive and Deposit Monies into Court's Registry on behalf of the Minor Plaintiffs, J.G. and K.C., in order that the settlement of the Minor Plaintiffs' claims can be brought to a final conclusion and judgment entered accordingly and for the interest of justice.

---

<sup>2</sup> See Attached Report of Guardian Ad Litem Kent Fitzpatrick, see Exhibit "B"

Respectfully,

**THE CARLSON LAW FIRM, PC**

100 East Central Texas Expy

Killeen, TX 76541

254-526-5688 Phone

254-526-8204 Fax

By: /s/ Scott R. Crivelli

Scott R. Crivelli

State Bar No.: 24081713

[scrivelli@carlsonattorneys.com](mailto:scrivelli@carlsonattorneys.com)

**CERTIFICATE OF SERVICE**

THIS WILL CERTIFY that on November 16, 2018 I electronically submitted the foregoing document with the clerk of court of the U.S. District Court, Western District of Texas, using the electronic case files system of the court. I hereby certify that I have served all counsel of record electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s Scott R. Crivelli

Scott R. Crivelli

WER.8749

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION

EDNA MALDONADO,	§	
INDIVIDUALLY AND AS NEXT	§	
FRIEND OF J.G.AND K.C., MINORS	§	CIVIL ACTION NO. 6:17-cv-00204
	§	JURY
v.	§	
	§	
BARBARA TURPIN and	§	
WERNER ENTERPRISES, INC.	§	
	§	

AFFIDAVIT OF EDNA MALDONADO

STATE OF TEXAS                     )  
  )  
COUNTY OF Bell                     )

**BEFORE ME**, the undersigned authority, a notary public in and for said county and state, on this day personally appeared Edna Maldonado who being by me duly sworn upon his oath

"My name is Edna Maldonado. I am over the age of 18, have not been convicted of any crime, am of sound mind and am fully capable of signing this affidavit. I have read the contents herein and the facts stated herein are within my personal knowledge and true and correct."

"I am the biological mother of Jonathan Guzman and Kenneth Corwin, Jr".

"I have agreed to settle all the claims of Jonathan Guzman for a total of \$5,000. From that amount, I understand that \$1,666.67 will be deducted for attorney's fees and expenses and the total gross settlement amount to Jonathan Guzman will be 3,333.33 which will be deposited into the court registry of The United States District Court for the Western District of Texas,

Waco Division until Jonathan Guzman turns 18 years old. I understand that after accepting the

AFFIDAVIT OF EDNA MALDONADO

PAGE 1

**EXHIBIT "A"**

settlement amount of \$5,000, this case is forever settled and resolved as to Jonathan Guzman and his agents, servants, employees, representatives, and assigns. I understand that this money is the only money I will ever receive from Barbara Turpin, Werner Enterprises, Inc. or any of their agents or representatives, on behalf of Jonathan Guzman. I understand that by accepting this settlement, this case if forever settled and resolved as to Jonathan Guzman and his agents, servants, employees, representatives, and assigns. I have reviewed and signed the settlement agreement and understand that it covers all claims of Jonathan Guzman, whether known or unknown.”

“I have agreed to settle the claims of Kenneth Corwin, Jr. for a total of \$5,000. From that amount, I understand that \$1,666.67 will be deducted for attorney’s fees and expenses and the total gross settlement amount to Kenneth Corwin, Jr. will be 3,333.33 which will be deposited into the court registry of The United States District Court for the Western District of Texas, Waco Division until Kenneth Corwin, Jr. turns 18 years old. I understand that after accepting the settlement amount of \$5,000, this case is forever settled and resolved as to Kenneth Corwin, Jr. and his agents, servants, employees, representatives, and assigns. I understand that this money is the only money I will ever receive from Barbara Turpin, Werner Enterprises, Inc. or any of their agents or representatives, on behalf of Kenneth Corwin. I understand that by accepting this settlement, this case if forever settled and resolved as to Kenneth Corwyn and his agents, servants, employees, representatives, and assigns. I have reviewed and signed the settlement agreement and understand that it covers all claims of Kenneth Corwyn, whether known or unknown.”

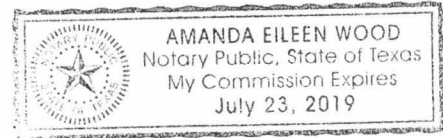
“I have signed the settlement agreement and believe that it is in the best interest of Jonathan Guzman and Kenneth Corwyn. I understand that if I had chosen to try this case before

a judge or jury, the amount awarded could have been more or less than the settlement amount.”

“I am respectfully asking this court to approve the settlement.”

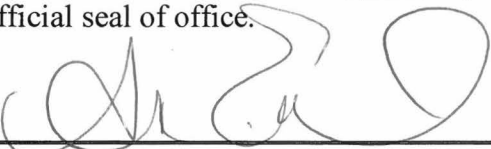
FURTHER AFFIANT SAYETH NOT

SIGNED this the 13<sup>th</sup> day of November, 2018.



By: Edna Maldonado  
EDNA MALDONADO

**SUBSCRIBED AND SWORN TO BEFORE ME** on this the 13<sup>th</sup> day of November 2018, to certify which witness my hand and official seal of office.

  
\_\_\_\_\_  
Notary Public, State of Texas  
My Commission Expires: 7/23/19

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

**EDNA MALDONADO,  
INDIVIDUALLY AND AS NEXT  
FRIEND OF J.G.AND K.C., MINORS**

**v.**

**BARBARA TURPIN and  
WERNER ENTERPRISES, INC.**

§  
§  
§  
§  
§  
§  
§  
§  
§

**Civil Action No. 6:17-cv-00204-ADA  
JURY**

**REPORT OF GUARDIAN AD LITEM**

I, Kent Kirkpatrick, a 20-year practicing personal injury attorney in Texas, having been appointed by this Court as Guardian Ad Litem for the minors, J.G. and K.C., make and file this Report to the Court as follows:

**I. DESCRIPTION OF INCIDENT**

On July 8, 2015, Mother of minor Plaintiffs, Edna Maldonado, was traveling west, on Zenith Avenue in Temple, Bell County, Texas. At the same time, Defendant, Barbara Turpin, was traveling east on Zenith Avenue. Suddenly, Defendant attempted to make a left turn, failed to drive in a single lane and forcefully struck the vehicle in which my client was traveling. Due the nature of the collision, Plaintiffs sustained personal injuries.

**III. INJURIES & RECOVERY**

After reviewing the medical records pertaining to the treatment the minors received and from interviewing the minors' parent, it appears that the minors suffered only relatively minor physical injuries and appropriate, limited treatment for strains and sprains. This includes being checked out in the emergency room and limited chiropractic care. Today, the minors shows no lingering effects of the incident.



#### IV. SETTLEMENT

Prior to my appointment as Guardian Ad Litem to the minor, the minor's parent and their attorneys reached a settlement with the insurance carrier for defendants for a total of \$ \$10,000 (\$5,000 apiece). The minors' proceeds will be distributed as follows:

##### **J.G. (Minor)**

Carlson Law Firm – (attorney fees & expenses)	\$ 1,667.67
Court Registry	\$ 3,333.33
Total:	<b>\$5,000.00</b>

##### **K.C. (Minor)**

Carlson Law Firm – (attorney fees & expenses)	\$ 1,667.67
Court Registry	\$ 3,333.33
Total:	<b>\$5,000.00</b>

As shown above, Defendants shall deposit the funds into the registry of the court. The court clerk shall place these funds into an insured interest-bearing account or insured certificate of deposit and shall be maintained by the clerk until such time as the minor Plaintiffs reach eighteen years of age or is otherwise emancipated or as otherwise directed by written order of this Court. Until the minor meets these conditions, these funds shall be maintained and administered in accordance with the provisions of Section 142.001 of the Texas Property Code.

#### V. APPROVAL OF SETTLEMENT

The total amount recovered on behalf of both minors is: **\$10,000.00**. Considering the known facts and circumstances of the incident as described above, it is my opinion that the final settlement is fair and reasonable. Based upon the facts presented to me and reported to this Court, I find the attorney fees standard and expenses reasonable. Finally, I find that the overall

settlement and the investment strategy chosen **IS IN THE BEST INTEREST OF THE MINORS.**

SUBMITTED this 16th day of November, 2018.

/s/ Kent Kirkpatrick  
Kent Kirkpatrick  
SBN# 00795059  
Tel: (512) 731-9831  
Fax: (512) 692-1833  
Email: ksurf007@gmail.com  
GUARDIAN AD LITEM

**CERTIFICATE OF SERVICE**

THIS WILL CERTIFY that on November 16, 2018, I had this report electronically submitted the foregoing document with the clerk of court of the U.S. District Court, Western District of Texas, using the electronic case files system of the court. I hereby certify that I have served all counsel of record electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s Kent Kirkpatrick  
Kent Kirkpatrick